



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

CK:TK
F.#2010R00420

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 7, 2011

BY HAND and ECF

Susan R. Necheles, Esq.
Hafetz Necheles & Rocco
500 Fifth Avenue
29th Floor
New York, NY 10110

Russell M. Gioiella, Esq.
140 Broadway
38th Floor
New York, New York 10005

Re: United States v. Pedro Espada Jr., et al.
Criminal Docket No. 10-985 (FB)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes the following discovery with respect to the above-captioned case. Additional discovery will be provided to you on a rolling basis as it becomes available. Please also consider this letter to be the government's request for reciprocal discovery.

A. STATEMENTS OF THE DEFENDANTS

The defendants made no post-arrest statements.
Enclosed please find the following pursuant to Rule 16(a)(1)(B).

- Two discs marked "Donald McLaren," which contain recordings between Pedro Espada Jr. and Donald McLaren
- Two discs marked "Petting Zoo," that contain both an edited and unedited version of footage taken of a birthday party held at the home of Pedro Espada Jr. in 2006

B. PRIOR CRIMINAL HISTORY

Enclosed please find a copy of the defendants' criminal history reports, Bates-numbered DC1000002533 - DC1000002549.

C. DOCUMENTS AND TANGIBLE OBJECTS

Enclosed herein, please find the following.

- Documents Bates-numbered: DC1000000001 - DC1000002532
- Documents from Compensation Resources, Bates-numbered CR000000001 - CR000001501.
- One disc marked "Bank Records," which contain banking records from Bank of America, Capital One, Banco Popular, Citibank and HSBC.
- One disc marked "Marks Paneth Shron"
- Two discs marked "AG," which contain documents that were provided to the government from the Office of the New York State Attorney General.
- One disc marked "Mailings Unlimited," that contains documents obtained from Mailings Unlimited.

D. EVIDENCE OBTAINED PURSUANT TO SEIZURES

On April 21, 2010, pursuant to a search warrant, law enforcement agents seized documents and tangible evidence. Enclosed please find copies of some of the documents seized which have been scanned onto DVDs and discs for your convenience. Additional documents and tangible evidence will either be provided under separate cover or be made available for your inspection.

- Three DVDS marked "Comptroller," which contain documents seized from the comptroller's office at 731 White Plains Road on April 21, 2010. The documents contained on the DVDs are Bates-numbered C000001 - C230786.
- One disc marked "Pedro Espada Jr.," which contains documents seized from Pedro Espada Jr.'s office at

731 White Plains Road on April 21, 2010. The documents contained on the disc are Bates-numbered PE0000001 - PE0004807.

- One disc marked "Pedro G. Espada," which contains documents seized from Pedro G. Espada's office at 731 White Plains Road on April 21, 2010. The documents contained on the disc are Bates-numbered PGE00000001 - PGE00005097.
- One disc marked "Maria Cruz," which contains documents seized from Maria Cruz's office at 731 White Plains Road on April 21, 2010. The documents contained on the disc are Bates-numbered MC000001 - MC0000658.

E. REPORTS OF EXAMINATIONS AND TESTS

The government will provide you with copies of reports of any other examinations or tests conducted in connection with this case as they become available.

F. EXPERT WITNESSES

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) by notifying you in a timely fashion of any expert the government intends to call at trial and by providing you with the expert's credentials and a summary of the expert's opinion.

G. OTHER MATERIALS

The government is aware of and will comply with its obligation to produce any other exculpatory information or material within the scope of Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

The government will furnish you before trial with information or material regarding payments, promises or immunity, leniency, or preferential treatment, if any, made to prospective witnesses within the scope of Giglio v. United States, 405 U.S. 150 (1972), and Napue v. Illinois, 360 U.S. 264 (1959).

The government will also furnish before trial materials discoverable pursuant to Title 18, United States Code, Section 3500.

H. THE DEFENDANTS' REQUIRED DISCLOSURES

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendants allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendant's possession, custody or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession, custody, or control, and which the defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendants intend to call at trial.

The government also requests that the defendants disclose prior statements of witnesses who will be called by the defendants to testify. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

The government also requests that the defendants disclose a written summary of testimony the defendants intend to use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendants' intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendants intend to rely in establishing the defense identified in any such notice.

